

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7286 of 2015

CRIME NO. 1120/2015 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NOS.1 AND 7 :

- 1. GIREESH KUMAR, AGED 37 YEARS,
S/O.VASUKUTTAN MASTER, PAKKALIL HOUSE,
VELLUR AMSOM DESOM, KANNUR DISTRICT.**
- 2. PRASANNAN N.V., AGED 34 YEARS,
S/O.K.NARAYANAN, MOUVANCHERY VALAPPIL HOUSE,
KOROM AMSOM, KOKKAT, KANNUR DISTRICT.**

BY ADV. SRI.M.SASINDRAN

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1120/2015 OF PAYYANNUR POLICE STATION),
KANNUR DISTRICT- 670 001.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-12-2015, ALONG WITH BA.NO.7388 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

B.A.Nos.7286 & 7388 of 2015

Dated this the 9th day of December, 2015

ORDER

These applications have been filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner in B.A.No.7388 of 2015 is the second accused and the petitioners in B.A.No.7286 of 2015 are accused Nos.1 and 5 in Crime No.1120 of 2015 of Payyannur Police Station registered under Sections 143, 147, 148, 341, 323 and 324 r/w Section 149 of the Indian Penal Code. Prosecution allegation is that on 14.08.2015 at about 03.30 p.m., the petitioners along with other accused, formed themselves into an unlawful assembly in furtherance of their common intention, committed rioting armed with deadly weapons and voluntarily caused hurt to the defacto complainant with sticks and spade. The petitioners were arrested on 09.11.2015 and ever since, they have been in custody.

3. Heard. Perused the case diary.

4. It appears from the wound certificate append to

the case diary that the defacto complainant did not sustain any serious injury in the incident. The only external injury sustained by the defacto complainant is a laceration over abdomen. No other injury was sustained by the defacto complainant.

5. Considering the facts and circumstances of the case, I am of the view that further detention of the petitioners is not necessary for the progress of investigation of the case. However, the petitioners are involved in some other cases also of more or less the same nature. It has been submitted by the learned Public Prosecutor that all these offences were committed by the petitioners due to political rivalry. In the said circumstances, stringent condition has to be incorporated in order to desist the petitioners from repeating similar offences.

In the result, these applications stand allowed and the petitioners shall be enlarged on bail on each of the petitioners executing a bond for ₹30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the jurisdictional

magistrate and subject to the following further conditions:-

- (a) The petitioners shall report before the S.H.O. of Nileswaram Police Station on every Monday and Friday between 09.00 a.m and 11.00 a.m. for a period of four months and thereafter as and when required by the Investigating Officer in writing to do so.
- (b) The petitioners shall not enter into the jurisdiction of the Sessions Division, Thalassery without the leave of the leaned Magistrate for four months.
- (c) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.
- (d) The petitioners shall not get involved in any offence while on bail.

B.SUDHEENDRA KUMAR, JUDGE.